

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

Second Regular Session

beginning January 8, 2014

beginning page H-1301

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
SECOND REGULAR SESSION
30th Legislative Day
Thursday, March 27, 2014

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Kevin Bellinger, Bethel Alliance Church.
National Anthem by Emily Bellinger, Bethel.
Pledge of Allegiance.
Doctor of the day, Lisa Letoumeau, M.D., M.P.H., Portland.

Representative FREDETTE of Newport inquired if a Quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Streamline the Work Permitting Process for Minors and To Conform Allowable Places That Minors May Work to Federal Law" (EMERGENCY)

(H.P. 1222) (L.D. 1698)

Majority (6) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in the House on March 19, 2014.

Came from the Senate with the Minority (5) **OUGHT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-456)** in **NON-CONCURRENCE**.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Under suspension of the rules, members were allowed to remove their jackets.

COMMUNICATIONS

The Following Communication: (H.C. 387)

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

March 27, 2014

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Education and Cultural Affairs

L.D. 1812 An Act To Reduce the Burden Placed on Students as a Result of Requirements To Take Remedial Courses

Taxation

L.D. 1547

An Act To Support Municipal Volunteers

L.D. 1785

An Act To Make Consistent the Sales and Use Tax Imposed on Various Fuels Used To Heat Buildings for Human Habitation

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 843)

MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY

March 26, 2014

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 126th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of William H. Cassidy of Robbinston for appointment to the Maine Community College System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Robert P. Clark of Fort Fairfield for reappointment to the Maine Community College System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Honorable Jane S. Knapp of Gorham for appointment to the Maine Community College System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Shawn H. Moody of Gorham for appointment to the Maine Community College System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Shawn H. Moody of Gorham for appointment to the University of Maine System, Board of Trustees.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

ORDERS

(HLS 797)

On motion of Representative **POULIOT** of Augusta, the following Joint Resolution: (H.P. 1330) (Cosponsored by Senator **MASON** of Androscoggin and Representatives: **BENNETT** of Kennebunk, **WILLETTE** of Mapleton)

JOINT RESOLUTION RECOGNIZING MAINE'S REALTORS

WHEREAS, the Maine Association of REALTORS® has nearly 4,000 members actively involved in the business of real estate and it has approximately 1,000 affiliate members, including lenders, appraisers, title companies, building inspectors, surveyors and insurance providers; and

WHEREAS, the not-for-profit association provides each member with an equal voice and representation in the real estate profession, serving members in all 16 Maine counties and in their communities; and

WHEREAS, the benefit that the Maine Association of REALTORS® provides to Maine's economy includes not only the money spent and reinvested in the sale price of a property, but all those services and expenditures that occur in relation to a property transaction, both for a buyer and a seller; and

WHEREAS, according to national statistics, it is estimated that one job is generated for every 2 home sales and that each home sale contributes about \$60,000 to the economy; and

WHEREAS, the real estate market in Maine is recovering, as evidenced by the number of home sales increasing by 17.12% in 2012 and the median price of a home increasing by 3.03%; and

WHEREAS, home ownership has been enhanced by the work in Maine of the public and private sectors to provide housing opportunities; and

WHEREAS, expanding home ownership will strengthen our State and its families and communities, enhance our economy and create jobs; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, take this opportunity to recognize the Maine Association of REALTORS® and its members for their positive contributions to and the significant role they play in the lives of Maine citizens and their communities and that their service and dedication to this State are a tribute to those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Association of REALTORS® and its 13 local association boards.

READ and ADOPTED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following item:

Recognizing:

the members of the Messalonskee High School Boys Hockey Team, of Oakland, who won the 2013-14 Class B State Hockey Championship: Kalib Bernatchez, Daniel Condon, Chase Cunningham, Tyler Simpson, Joshua Towle, Benjamin Weeks, Jacob Dexter, Elija Tuell, Samuel Bell, Dylan Burton, Jared Cunningham, Shea McCann, Devin Pickett, William Weeks, Dustin Brown, Dylan Brown, Dana Michaud, Jack Moore, Brandon Nale and Connor Smith; head coach Mike Latendresse; assistant coaches Harvey Bureau and Dave Richard; and athletic trainer Nick Thompson. The Eagles finished a perfect season with a record of 21 wins and no losses. This is the team's first state championship. We extend our congratulations and best wishes to the team on its achievement;

Presented by Representative **NUTTING** of Oakland.

Cosponsored by Senator **KATZ** of Kennebec, Senator **SAVIELLO** of Franklin, Representative **COTTA** of China, Representative **BECK** of Waterville, Representative **KESCHL** of Belgrade, Representative **KUSIAK** of Fairfield.

On **OBJECTION** of Representative **NUTTING** of Oakland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Oakland, Representative **Nutting**.

Representative **NUTTING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am proud to stand today and ask members of the House to join me in recognizing the Messalonskee Hockey Team's first State Championship. On Saturday, March 8th, they defeated a very good Gorham team, which had not allowed any team to score 4 goals all year, by a score of 6 to 1 at the Colisee in Lewiston. Although I have attended Boston Bruins games and University of Maine hockey games, and just about every other kind of high school athletic event that you can imagine, the state title game in Lewiston earlier this month was my first high school hockey game. I promise you that it will not be my last. The fast-paced excitement of high school hockey is hard to beat.

This year, for the third year in a row, the Messalonskee Boys won the Eastern Class B Title. In 2012 and 2013, they lost in the state title game. This year they were determined not to come up short again. They did so with a perfect 21 and 0 record. Along the way, they not only defeated all of their Class B opponents but several Class A opponents including the eventual State Class A Champion by a score of 7 to 2.

Their coach of 12 years, Mike Letendresse played on the University of Maine National Champion Team of 1993 and played professional hockey for 5 years. I understand this morning that this may be the first time that he's been in the capitol since 1993. He has obviously instilled his work ethic into his players. For his efforts, he was named coach of the year in voting by the league's coaches. But he will tell you that this win belongs to the players.

Senior Captain Chase Cunningham, the all-time leading scorer in Messalonskee program history with 251 points, ended the year with 82 points and was named Eastern Maine Class B Player of the Year. But he will tell you that hockey is a team sport and that his accomplishments would have been impossible but for the efforts of all his teammates. So today, I am happy to be able to showcase the Eagles of Messalonskee High School with students from Belgrade, China, Oakland, Rome, and Sidney. They make us all proud. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative **Beck**.

Representative **BECK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise quickly to extend my congratulations to the Messalonskee Eagles to wish the graduating seniors the best of luck in the coming year and also best wishes for next year's season.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Remove the 100-megawatt Limit on Renewable Sources of Energy"

(S.P. 237) (L.D. 646)

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook
YOUNGBLOOD of Penobscot

Representatives:

HOBBINS of Saco
BEAVERS of South Berwick
GIDEON of Freeport
HARVELL of Farmington
RUSSELL of Portland
RYKERSON of Kittery
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-453)** on same Bill.

Signed:

Representatives:

DUNPHY of Embden
LIBBY of Waterboro
NEWENDYKE of Litchfield

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

Representative HOBBINS of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 581

YEA - Beaudoin, Beavers, Beck, Berry, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Hamann, Harlow, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiaga, Kusiak, Lajoie, Libby N. Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Peoples, Peterson, Plante, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McEiwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot,

Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Winsor, Wood.

ABSENT - Bennett, Boland, Bolduc, Crockett, Goode, Hayes, Herbig, Jackson, Johnson D, Kent, McLean, Nadeau C, Noon, Powers, Pringle, Stuckey, Wilson, Winchenbach.

Yes, 81; No, 52; Absent, 18; Excused, 0.

81 having voted in the affirmative and 52 voted in the negative, with 18 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-433)** on Bill "An Act To Amend the Workers' Compensation Laws as They Pertain to Employee Representation"

(S.P. 632) (L.D. 1641)

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden
LOCKMAN of Amherst
WINCHENBACH of Waldoboro

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-433)**.

READ.

Representative McCABE of Skowhegan moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose the pending motion. Injured workers, this bill is another bill intended to put a hole in our workers' compensation system. We have made a lot of progress in the last couple of years on our workers' compensation. Our employers have been beginning to see rate reductions and this has not been at the expense of injured workers I'm happy to say. One of the things that this bill would do is it would allow a worker to invite a union representative into their exam. This is an exam that has been in

law for many years and this would be an exam that is paid for by the employer and it's the employer chosen physician. It's authorized under Section 207 of Title 39-A. One of the points I'd like to make is that injured workers already have the right to request a medical professional of their own choosing to accompany them to a scheduled Section 207 exam. The cost is borne by the employer, should the injured worker choose to bring their own physician, and in the case of this proposal, we're wondering, will the employer be required to pay for the presence of a representative? The bill is silent on that question. We're also wondering, will the employer be given the same right of representation at a medical exam of the injured worker's request before a physician of their own choosing? It would only seem fair that that would be the case, but I don't think that injured workers would probably appreciate that. Maine workers' compensation law already has a number of protections that exist to address this issue, including the Hippocratic Oath, which is taken by all doctors, as we all know, and it governs the ethics of medicine and physician behavior. We think that passage of LD 1641 will only lead to greater confusion, hold the potential for additional costs and could place a chilling effect on the number of physicians willing to conduct these Section 207 exams. That, in our opinion, would only hurt injured workers. I ask that you would follow my light and oppose the pending motion.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill simply amends the laws governing workers' compensation to provide that an injured employee is entitled to have a representative of the employee's own selection present at an examination by an employer-selected health provider. This bill is about protecting workers when they have been injured on the job. This bill is about more than legal representation. It is about allowing loved ones or anyone at their choosing to be present at a doctor's visit as well. The employer chooses the health care provider. It's only fair that the employee should be allowed to choose a representative as well. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess you just received one of these yellow sheets that were passed around and if you look at the top, the ones that are opposed against this bill is all businesses, and what this bill is for is when a worker gets injured, if he's a union worker, he's allowed to bring a union representative with him to listen to what goes on, nothing more or nothing less. I don't know what the fear is of these companies, that they fear that this injured worker when he's got representation sitting there to listen to what's going on is so disastrous. I ask you to follow my light and vote for this to protect the workers of the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Injuries are never pleasant. Getting hurt on the job can be a very stressful experience. On top of seeking appropriate medical attention after an injury, an employee can be challenged with trying to navigate the workers' comp system, which can be very confusing and difficult. The experience of a workplace injury can also be stressful for the employee's family. Not only does the family have to cope with taking care of their injured family member, but they also have to deal with a with the loss of income when the breadwinner is out of work. LD 1641 would make it easier for

injured workers to navigate the workers' comp system and get back to work sooner. When visiting a doctor, after a workplace injury, a patient is not always in the best frame of mind. By having someone there to ask the right questions and advocate for you, it can be helpful and easier to get through the healing process. It's only fair to give an injured worker the option of having a person of their choice to sit with them in the examination room. Please follow my light and support LD 1641. Thank you.

Representative MORIARTY of Cumberland asked leave of the House to be excused from voting on L.D. 1641 pursuant to House Rule 401.12.

The Chair granted the request.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Mason.

Representative **MASON**: Thank you, Mr. Speaker. I just wanted to rise and kind of give a little real world experience to this. The other members of the committee spoke eloquently on what the bill does. This is something that I've actually practiced in for six or seven years and what we're dealing with here is what's called a 207 exam, and what this is, is under workers' comp, the insurance company has a right to choose to send an injured worker to a doctor of their choice. So there's a cottage industry of doctors that insurance companies use. So what happens is they get sent there for this exam and then when the insurance company gets the results of the exams back, they can base a denial for the medical treatment and they can base a denial of further weekly benefits strictly on the results of the 207 exam. So it's important to get as good of a result on a 207 exam as possible. In my experience, I've had instances where my employees would go to this 207 exam. They come back and we get the report and we go over the report, and it's an 8 to 10 page report laying out this, this, this and this, and the employee's sitting there saying, "I didn't say that. I was in that room for 10 minutes. I don't know where he's getting this information." What happens is when you're allowed to have another person in the room, it helps the employee share the information in a better way and it helps the doctor. We've seen this because what's happened is that it is true that doctors, you're allowed to have your own medical provider go into the room with you. How many people have their own personal doctors that can take time out of their day to accompany you to an exam? So it's rare to have this happen, so what's happened is there is a few retired doctors that are doing this as a business, that if they have time and they're in the right location, they may be able to accompany an injured worker into the room. I have talked to both these doctors and the 207 doctors, and we get good reports. Both doctors like to have this because it allows more information, they can share something with more ease of access, and it helps provide better reports. By having so few medical professionals that can really accompany injured workers, this bill is trying to open up to allow more people the opportunity to accompany an injured worker in so that we get a better 207 report, so that we don't have to worry about having denials of claims against workers that then have to be litigated, because once a denial happens, that injured worker has been without medical coverage and they're without benefits. So it's a harm that you try to solve in the beginning with as good of a report as possible and that's what this report is trying to do. It's being as transparent as possible so that doctors that are writing these 207 reports can write as good of reports as possible by having all the information. So I'd ask that you follow my light as well.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Most health care

practitioners, and when you look online, there's a health care information guide, they recommend that whenever possible, if you have a health concern, you should take someone with you because bringing someone with you is just as important as writing down your questions and answers. With such a limited amount of time, it's easy to rush and forget the questions that you had for your physician or misunderstand the answers that he or she provides. This is definitely a case where having two heads and two sets of ears can really be better than one. Just as an example, my mom was diagnosed with stage 3 cancer and I went with her to every appointment, and when we left, her idea of what the doctor said was very different from what I heard and I wrote down every word that he said. So when you're the patient and you're in pain, you're less likely to really understand what the physician is saying, what they're doing, and you forget to ask necessary questions that are important to your health. No one should be denied the right to have an advocate with them, be it family, friend or anyone else. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **KESCHL**: Why would not recording the exam, that would seem to resolve the issue of conflicting stories relevant to the exam itself rather than requiring someone to come forward with the patient.

The SPEAKER: The Representative from Belgrade, Representative Keschl, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: I didn't understand the question, Mr. Speaker.

The SPEAKER: The question was what prevents someone from recording the conversation and wouldn't that resolve the issue. The Representative may proceed.

Representative **VILLA**: I don't have the direct answer, but I know that my mom wouldn't travel to her doctor with a tape recorder, simply because she doesn't have access to one. I would say that the majority of people going to their doctor don't go with the intent of recording. I just think that's very far-fetched in saying that everybody should have a tape recorder when they go to their medical provider. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Mason.

Representative **MASON**: I'm just rising to answer the question and it's the doctors who are doing the examination don't like to have recordings made. That was a suggestion that we brought up and it seems reasonable to me as well, but it's the doctors themselves that don't like to be recorded and that's part of the problem with, as well, having somebody come into the room. That's what we're trying to solve because since they don't want it recorded, we're saying let somebody else into the room to try to provide that transparency.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. I just wanted to make out the point that there's nothing in the law that prohibits a family member from joining a patient in the exam room. That's perfectly fine. It's also fine for them too and it happens often for them to have their own personal physician accompany them, and again, that personal physician, the cost for that personal physician is borne by the employer. They are also entitled, under law, to have an exam by a doctor of their own choosing, and that's why we having hearing officers, because if

there is a disagreement between the two medical professionals, that's when you would go to a hearing to discern which of those is to be believed.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. As I said a few minute ago, and I'm sorry to stand again, this is all about if you're union, not having a union representative with you. We're not talking about grandmother, or uncle, or grandfather or anybody else. That's what this bill is all about that they don't want, if you're union, having union representation with you. If you're non-union, you should have the choice of a fellow workers or anybody else you want. That's what it's all about. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 582

YEA - Beaudoin, Beavers, Beck, Berry, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Hamann, Harlow, Hayes, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Peoples, Peterson, Plante, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Winsor, Wood.

ABSENT - Bennett, Boland, Bolduc, Crockett, Goode, Harvell, Herbig, Jackson, Johnson D, Kent, McLean, Morrison, Nadeau C, Noon, Powers, Pringle, Stuckey, Wilson, Winchenbach.

Yes, 79; No, 52; Absent, 19; Excused, 1.

79 having voted in the affirmative and 52 voted in the negative, with 19 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-433) was READ** by the Clerk and **ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-433) in concurrence.**

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-446)** on Bill "An Act To Clarify What Constitutes a Contribution to a Candidate" (EMERGENCY) (S.P. 622) (L.D. 1631)

Signed:
Senator:
TUTTLE of York

Representatives:
LUCHINI of Ellsworth
FOWLE of Vassalboro
LONGSTAFF of Waterville
SAUCIER of Presque Isle
SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Senator:
MASON of Androscoggin

Representatives:
BEAULIEU of Auburn
GIFFORD of Lincoln
KINNEY of Limington
TURNER of Burlington

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-446)**.

READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 583

YEA - Beaudoin, Beavers, Beck, Berry, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Hamann, Harlow, Hayes, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Peoples, Peterson, Plante, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Johnson P, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki,

Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Winsor, Wood.

ABSENT - Bennett, Boland, Bolduc, Crockett, Goode, Harvell, Herbig, Jackson, Johnson D, Kent, Libby A, McLean, Nadeau C, Noon, Powers, Pringle, Wilson, Winchenbach.

Yes, 83; No, 50; Absent, 18; Excused, 0.

83 having voted in the affirmative and 50 voted in the negative, with 18 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-446)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-446)** in concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-740)** on Bill "An Act To Clarify Telecommunications Regulation Reform" (H.P. 1060) (L.D. 1479)

Signed:
Senators:
CLEVELAND of Androscoggin
JACKSON of Aroostook
YOUNGBLOOD of Penobscot

Representatives:
HOBBINS of Saco
GIDEON of Freeport
HARVELL of Farmington
LIBBY of Waterboro
RUSSELL of Portland
RYKERSON of Kittery
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Representatives:
BEAVERS of South Berwick
DUNPHY of Embden
NEWENDYKE of Litchfield

READ.

On motion of Representative HOBBINS of Saco, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-740)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-740)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-749)** on Bill "An Act To Improve Maine's Tax Laws" (H.P. 792) (L.D. 1120)

Signed:
Senators:
HASKELL of Cumberland
MILLETT of Cumberland

Representatives:
GOODE of Bangor
BROOKS of Winterport
LIBBY of Lewiston
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Senator:
THOMAS of Somerset

Representatives:
BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
MAREAN of Hollis

READ.

Representative LIBBY of Lewiston moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

CONSENT CALENDAR
First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1304) (L.D. 1817) Bill "An Act To Amend the Law Concerning the State Cost-share Program for Salt and Sand Storage Facilities" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-751)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

BILLS IN THE SECOND READING
House as Amended

Bill "An Act Designating the Chief of the State Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun"

(H.P. 183) (L.D. 222)
(H. "A" H-739 to C. "A" H-730)

Was reported by the Committee on **Bills in the Second Reading.**

On motion of Representative FREDETTE of Newport, was **SET ASIDE.**

Representative FREDETTE of Newport **REQUESTED** a roll call on the **ACCEPTANCE** of the Committee report from the

Committee on **Bills in the Second Reading** pursuant to Joint Rule 308.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I think there may have been a little bit of confusion on this bill last night when we first tried to debate it and amend it. I am in full support of the committee's work, Committee Amendment "A" on LD 222, amended by my House Amendment, and I believe the sponsor of House Amendment "B," the intent was not to strike the bill. Looking at the amendment, it does say strike sections 1 through 12, and that may have been, definitely, I believe, was a drafting error. When I read that House Amendment "B," I did not catch that and to that I apologize. With that, LD 222 is a great bill basically for everybody. Several things that the bill does is it places the permits into one place. Ultimately, the concealed weapons permit will be sent out by the state police, they'll all look the same, they'll all have a picture, and we can be confident that the state police will do the proper background checks and the mental health checks. The issuing authority could still be your chief of police; however, they would require the state police to do the background checks. Now, it does several other things. If you look at the Committee Amendment, out-of-staters that sometimes come to Maine for a concealed weapons permit because, for one reason, it was cheaper and there state may not have given them the permit, can now not get the permit in Maine if their state doesn't issue them a permit first. The fees would be dedicated to the administration of the permit process and the backgrounds checks and mailing out the permits and so forth. It's a more centralized permit process. It does take it out of the hands of local selectmen. It would put it at the chief of police or the county sheriff or the state police. For gun owners, it would give us reciprocity for almost half of the country, so that would be a big step in the right direction, in my opinion. There were some concerns about confidentiality in regards to Section 12, subsection 19, and I believe that if you take a look at the wording you'll find that it states, "The State Police shall establish and maintain a confidential database accessible only by a law enforcement agency or law enforcement officers for criminal justice and concealed handgun permit purposes or by court order containing the following information about a permit holder or an applicant for a concealed handgun permit...." With that, I believe the intent of the bill would certainly be to maintain this list is confidential and only to be used for police purposes. I contracted the state police on the issue. They provided me with their statement, which says, "The state police would plan to apply section 19 in LD 222 as follows: The information in the confidential database would only be shared with law enforcement agencies or law enforcement officers. The system could be used to immediately identify whether or not a person has a concealed handgun permit. This would benefit the officer and the permit holder, especially if the concealed handgun permit holder forgot their permits. It would also be helpful to law enforcement agencies when issuing permits." Further stated – this is an email from the state police to me – they further stated, we see the database as being separate from a driver's license inquiry. They would have to make a separate inquiry to find out if a person has a concealed handgun permit. The state police feels that this is what would need to be done, as we do not want this information put over the air every time someone is pulled over. They feel that it would work well with the language in LD 345 from last year. So there is a lot to like in this bill for gun owners and for people that

would err on the side of getting background checks and whatnot. Would I support House Amendment "B" if it didn't strip out all of the Committee Amendment? I would, but that being said, the bill itself, in its present form, is an excellent bill and I hope you all take a good look at it and vote in favor. I know the committee did a lot of work on this bill and I appreciate that and it's a good bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question, but I will give some guidance and direction. We are currently accepting the Committee Report from the Bills in the Second Reading, Pursuant to Joint Rule 308. If there are questions, comments and debate, I would give guidance that that would want to be done at engrossment which will be after acceptance of the Committee Report from the Bills in the Second Reading.

Representative **KESCHL**: Okay, thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Committee report from the Committee on Bills in the Second Reading pursuant to Joint Rule 308. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 584

YEA - Beaudoin, Beavers, Beck, Berry, Bolduc, Briggs, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Hamann, Harlow, Hayes, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Pease, Peoples, Plante, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Brooks, Campbell J, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, Dill, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hickman, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Peavey Haskell, Peterson, Pouliot, Reed, Sanderson, Sirocki, Stanley, Timberlake, Turner, Wallace, Weaver, Willette, Winsor, Wood.

ABSENT - Bennett, Boland, Crockett, Goode, Herbig, Jackson, Johnson D, McLean, Nadeau C, Noon, Powers, Pringle, Wilson, Winchenbach.

Yes, 82; No, 55; Absent, 14; Excused, 0.

82 having voted in the affirmative and 55 voted in the negative, with 14 being absent, and accordingly the Report from the Committee on **Bills in the Second Reading** was **ACCEPTED**.

The Bill was given its **SECOND READING**.

Representative **FREDETTE** of Newport moved that the Bill be **TABLED** until later in today's session pending **PASSAGE TO BE ENGROSSED as Amended**.

Representative **McCABE** of Skowhegan **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **PASSAGE TO BE ENGROSSED as Amended**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending Passage to be Engrossed as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 585

YEA - Ayotte, Beaulieu, Black, Campbell J, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Johnson P, Keschl, Kinney, Knight, Libby A, Libby N, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Peavey Haskell, Pouliot, Reed, Sanderson, Shaw, Sirocki, Stanley, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Winsor, Wood.

NAY - Beaudoin, Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Hamann, Harlow, Hayes, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Pease, Peoples, Peterson, Plante, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

ABSENT - Bennett, Boland, Crockett, Goode, Herbig, Jackson, Johnson D, McLean, Nadeau C, Noon, Powers, Pringle, Wilson, Winchenbach.

Yes, 55; No, 82; Absent, 14; Excused, 0.

55 having voted in the affirmative and 82 voted in the negative, with 14 being absent, and accordingly the motion to **TABLE** until later in today's session pending **PASSAGE TO BE ENGROSSED as Amended FAILED**.

Representative **FREDETTE** of Newport moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative **BERRY** of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative **McCabe**.

Representative **McCABE**: Thank you, Mr. Speaker. I stand in opposition to the Indefinite Postponement and I would just ask that the Clerk read the Committee Report.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative **Dion**.

Representative **DION**: Good morning, Mr. Speaker, Ladies and Gentlemen of the House. I rise not to discuss the content of the bill. I'm sure there has been a lot of discussion already on that. I just want to bring your attention to the process by which this bill came here today. This committee has worked on this particular policy question since last session. We worked through the summer. There were untold hours committed to this issue by members of this committee, but more importantly, all along the way our door was open to the various stakeholders from all sides of the questions. The Sportsman's Alliance of Maine joined us. The National Rifle Association joined us at the table. Many of the provisions of this bill have their handprints all over it, all right. Our committee has a variety of perspectives, of political ideology.

I don't think you can look at our committee's work as a partisan issue and it's unfortunate that it's breaking out that way. This is good work by an excellent committee that worked across the table, around the table, both up and outside the table, and I think that's important to bear in mind. There's some confusion that's arisen because of the competing amendment. To my mind, that's a question that should be reserved for another day and another debate. But I just want to thank the committee, and that's been lost here, for all your hard work. Every voice was heard around that table. There were concessions made by all parties. This is as good a bill as you can get and this process concerns me because it's not the content of the bill. We will remain with our opinions about that, but this could be an assault on the committee process. It's got to count for something. It cannot allow to be hijacked by an amendment at the last minute. It just cannot be. Otherwise than that, why go to committee? I might as well get a raft of amendments and have them in preparation so that any moment I can subvert the good will, the good faith and the best judgment of the committee of jurisdiction. So I ask you to support this bill, not simply on content but in order to validate the priority we give to the authority of the committees to do their work. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sherman, Representative Long.

Representative **LONG**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was the opposition on this bill for one simple fact. We are taking away home rule from 97 communities throughout the state. These communities do not have police chiefs. They chose to issue their own concealed weapons permit. I'm not going to stand up and tell these communities that the state can take away their rights just because we want the information all in one spot. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from York, Representative McGowan.

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I simply stand to commend the Representative from Pittston for his hard work and leadership on a bill that I see as a win-win. It respects the rights of people to get permits that want them. It respects our voters who overwhelmingly want quality background checks. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker. If there wasn't sun coming through the windows, I'd say this debate never ended last night. There are significant issues with the current legislation of LD 222 without having a constitutional amendment. It is, in my opinion, in Article I, Section 16 of the Maine Constitution, our current law and this proposed legislation are both in violation of our Maine Constitution. There is no way that I can support something that is in our oath of our Maine Constitution. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Marks.

Representative **MARKS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's been my idea to fix this system. When you go home today, ask your permit holders if they're good giving \$25 extra for a gun permit to the General Fund to go DOT, DHS. That's what's happening now. Every gun permit, it's a \$35 permit; \$10 goes to the issuing agency; \$25 goes into the General Fund. You don't pay \$25 extra for your fishing license. You don't pay extra for your hunting license or your driver's license. Why are the good citizens of Maine paying \$25 extra for a gun permit? Let's put it towards the permit. Let's

do it right. Let's get them a nice card. Let's get them more reciprocity, make sure the background checks are being taken care of. And one last item, the selectmen issue. Selectmen are not elected to issue gun permits. Can you see a selectmen running for office saying, "If you elect me, I'll give you a permit, whether you're a felon or not, and we won't bother with the background." That happens. It's not their purview. They don't do good background checks. They're selectmen. They do budgets, that sort of thing. Leave it to the professionals who do good background checks. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Two quick issues, first being that there seems to be an implication that we can't trust our local officials in working this issue. I live in a town that has a small police force and town manager, and I, one point in time, had a gun permit, went through the process and I think it worked just fine, and so, I think, to imply that local towns can't handle this, I think, is just wrong. I believe in local control and I think local control can handle this matter. The other issue that I would just address very quickly, that the good Representative from Portland, Representative Dion, who I have a high degree of respect for, indicated that this being a 12-1 Committee Report, if we were to negate the recommendation of the committee, why should we even have committee work, I find that odd because the process of what we do here in this body is to debate potential legislation and we have a process whereby committees who tend to have a certain amount of expertise in this area work these issues. But if you carried his argument to its local conclusion, any committee that came out with a Committee Report, with a Majority Report, we ought to simply rubberstamp, and we know what rubberstamp means these days. So, you know, to suggest that we have to follow the committee recommendation, I think, is just simply wrong. I think this debate clearly indicates that this is a valid issue of which many of these members have concern, and I appreciate the hard work of the committee. I think that they've done some work here that moves the ball forward, but maybe not in the right direction that everybody agrees. So while I appreciate the hard work that everybody's done on this, it certainly should not negate everybody's right in this body, all 151 of us, to express our constituents' concerns from our districts. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As my good friend, Representative Marks, was referring to where the money goes and where it don't go, I agree with him. It shouldn't be going to the General Fund. It shouldn't be going to DHS. But this is more than where the money is going, that we're debating here today and what we debated yesterday. It's about our rights. It has nothing to do, as far as we're concerned in here, the people that are against this, the people that are against this, it has nothing to do with where the money goes. It's all about our rights and don't forget it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **KUMIEGA**: I wanted to know what kind of training or qualifications that selectmen get to qualify such issues on permits.

The SPEAKER: The Representative from Deer Isle, Representative Kumiega, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Having given out these permits for four and a half years, I could say, with certainty, that I had no training whatsoever and I think that's true for most select board members in the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **KESCHL**: I have a constitutional right to carry under both the state and federal government, therefore, why would I or anyone want a list to be maintained with my name on it for use by any authority, not just the state police? Thank you.

The SPEAKER: The Representative from Belgrade, Representative Keschl, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Morrill, Representative Pease.

Representative **PEASE**: Thank you. I rise and being on this side of the aisle, this one really concerns me. We worked very hard in committee on this one. We all gave, we all accepted. This bill, it's getting complicated here and I differ with my leadership in the corner. If you have a small-town police department, they can issue you a permit. All we're saying is that selectmen, without a police department, would not be allowed to issue this permit. In my town of Morrill, Maine, I'm sorry, I've got three nice selectmen, but you know what? I sure as heck don't want them making a decision on the good, moral character of any citizen in the town of Morrill because that's subjective. That isn't done by a professional. We complicated this last night with the constitutional carry, which is a great thing. I am one hundred percent behind constitutional carry, but I have been in this Legislature only two years and if you notice, I have never, never, never supported any bill that keeps amending things for other reasons. This bill was a nice, clean bill, LD 222. Representative Marks worked it. The committee worked it. Representative Dion and four of us Republicans on this side worked that bill. This bill is a good bill. We started with this bill after the tragedy in Newtown, Connecticut. There was a lot of issues. There was a lot of emotion, a lot of emotion about guns and yet we took a bill that showed that mental health checks were not being done in this state. Forty-four percent is all that they were doing the mental checks and that was only two institutions. That was only the two state institutions. That did not include mental health checks in 12 other facilities in the State of Maine that handled mental health patients. This bill is a good bill. We've complicated it. We've messed it up. We keep adding to it. This bill needs to go forward as it came out of committee and I would thank you to join me with that.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Libby.

Representative **LIBBY**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **LIBBY**: How many background checks would a person go through if they purchase a firearm through Uncle Henry's and then walk down the streets of Portland, barring the fact they're not wearing a jacket? Thank you.

The SPEAKER: The Representative from Waterboro, Representative Libby, has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Palmyra, Representative Cray.

Representative **CRAY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A couple of issues I want to try to address, being from a small municipality, having been a selectman for 13 years. To Representative Berry, I signed a lot of those concealed weapons permits, but they were done with background checks. I think this is something you can do if your municipality chooses to do them. We did state police background checks on everybody that applied for a concealed weapons permit, and I don't believe there is anybody that can judge the moral character, I don't believe there's anyone in the state police that can judge moral character any closer or any better than the people in their municipalities who deal with these people day in and day out. We had people that would come in, and not to say names, we had a person that came in to get a concealed weapons permit, the gentleman was drunk and he passed his state background check, but we denied it on that fact. I think the closer you are to the people, the better off you are and I think that's why we need to be able to, as small municipalities, be able to screen for permits.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Wallace.

Representative **WALLACE**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. This bill has kind of been yanking me. I do not agree that all permits, names of permit holders, should be located in one entity. All we have to do is look at the State of Connecticut, right now. They are out confiscating guns and demanding that a weapon be registered, and if you don't, they're going to confiscate your weapon. They are, at the moment, registering all their guns in one location. Once they get this done, who's to say they're not going to go out and take every weapon that those people in Connecticut have? I can't agree, and maybe the state police ought to do the background checks and then return back to the local towns the right to issue the permit. But to hold all permits in one location is not the right idea. It endangers the state, the people of Maine way too much. We are a gun owning state and we deserve to stay that way. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. I hadn't planned on speaking to this, this morning, but the good Representative Pease, from Morrill, brought up a good point. I had a couple of calls from constituents in my district who have applied with their local police department to renew their concealed weapons permit and the individuals within the department were questioning the character of the person applying to renew, simply because they had different political views than the person who was requesting the permit. So there are some problems with issuing permits on the local level, where politics can play a role, and I think it would be best if the application process went to one area, one department, where it wasn't subject to any one person's thoughts or politics of the other person applying for the concealed weapon permit. So there is an issue, it is a problem, and the good Representative from Morrill did a great job explaining what I'm trying to explain and that is why I'm going to be voting along with him. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Point of clarification. I think it might be helpful to some people. Just yesterday, the U.S. Supreme Court ruled that a person convicted

of domestic violence that did not involve actual physical violence was in fact barred from possessing a firearm. I bring this point up because much has been made of the fact that Maine's Constitution guarantees a right to carry. Actually, that is not clearly the law. The federal law is supreme in this land and despite the Supreme Court's decision that the Second Amendment provides an individual right to bear arms, that right is not absolute, as this ruling yesterday clearly demonstrates. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't even know why we're having this discussion. The State of Maine Constitution, Article I, Section 16, the right to bear arms. "Every citizen has a right to keep and bear arms and [that] right shall never be questioned."

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 586

YEA - Ayotte, Beaulieu, Black, Brooks, Campbell J, Campbell R, Chase, Clark, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Peavey Haskell, Pouliot, Reed, Sanderson, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Winsor, Wood.

NAY - Beaudoin, Beavers, Beck, Berry, Bolduc, Briggs, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Hamann, Harlow, Hickman, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiaga, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Pease, Peoples, Peterson, Plante, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

ABSENT - Bennett, Boland, Cotta, Crockett, Goode, Herbig, Hobbins, Jackson, Johnson D, McLean, Nadeau C, Noon, Powers, Pringle, Wilson, Winchenbach.

Yes, 55; No, 80; Absent, 16; Excused, 0.

55 having voted in the affirmative and 80 voted in the negative, with 16 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-730) as Amended by House Amendment "A" (H-739)** thereto.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-730) as Amended by House Amendment "A" (H-739) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 587

YEA - Beaudoin, Beavers, Beck, Berry, Bolduc, Briggs, Carey, Casavant, Cassidy, Chapman, Chase, Chenette,

Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Hamann, Harlow, Hayes, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiaga, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Pease, Peoples, Peterson, Plante, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Wallace, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Brooks, Campbell J, Campbell R, Clark, Crafts, Cray, Davis, Dill, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hickman, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Peavey Haskell, Pouliot, Reed, Sanderson, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Volk, Weaver, Willette, Winsor, Wood.

ABSENT - Bennett, Boland, Cotta, Crockett, Goode, Herbig, Jackson, Johnson D, McLean, Nadeau C, Noon, Powers, Pringle, Wilson, Winchenbach.

Yes, 82; No, 54; Absent, 15; Excused, 0.

82 having voted in the affirmative and 54 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by as Amended by Committee Amendment "A" (H-730) as Amended by House Amendment "A" (H-739)** thereto and sent for concurrence.

ENACTORS

Emergency Measure

Resolve, To Require New Contracts for MaineCare Nonemergency Transportation

(S.P. 658) (L.D. 1663)

(C. "A" S-441)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative **BERRY** of Bowdoinham, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Acts

An Act To Decrease Costs and Disability Due to Mental Illness in Children, Adolescents and Young Adults

(H.P. 975) (L.D. 1367)

(C. "A" H-717)

An Act To Expedite the Foreclosure Process

(H.P. 992) (L.D. 1389)

(C. "A" H-734)

An Act To Amend the Motor Vehicle Franchise Laws

(S.P. 544) (L.D. 1482)

(C. "A" S-439)

An Act To Increase the Period of Time for the Calculation of a Prior Conviction for Operating under the Influence

(H.P. 1237) (L.D. 1729)

(C. "A" H-729)

An Act To Amend the Maine Medical Use of Marijuana Act

(H.P. 1245) (L.D. 1739)

(H. "A" H-732 to C. "A" H-713)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Improve Access to Oral Health Care
(H.P. 870) (L.D. 1230)
(H. "B" H-658 to C. "C" H-589)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative SIROCKI of Scarborough, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, I would like to thank the good Representative from Chelsea for presenting this amended version of LD 1230. And I thank many good members of this body for their steadfast support of this bill. It is a bill in which I have personally invested many hours of time and I strongly urge your support.

Many in this chamber know that I am employed in a dental office. And many in this chamber know that LD 1230 involves expanding the scope of practice of a registered dental hygienist to perform certain limited restorative services thereby creating a new type of "mid-level" dental provider known as a dental hygiene therapist.

Several Members of this body, from both sides of the aisle, including those in positions of Leadership, have contacted me and asked me if I have a conflict of interest due to my professional connection to LD 1230 based on my work in the dental field. I rise today to clarify that my interest in this bill is based purely on the concern I have regarding Maine's dental access issues, and I want to assure the members of this body and the good citizens of this state that I have not worked on this bill for any financial gain. Not only am I not practicing currently and have not practiced as a hygienist in quite some time, the dental office where I work is a specialty office that does not offer restorative services. Because none of us knows what the future may hold, I had kept my license to practice until I broke my arm last year. Like many professionals who are reluctant to sever ties, I had retained my license "just in case."

According to the Maine Commission on Governmental Ethics and Election Practices website, when considering conflict of interest issues, there are five situations that may involve a conflict. How do they apply to me? No, I will not gain financially and my employer will not gain financially from this legislation. No, I have not accepted gifts, other than contributions duly recorded as required by law. No, I have not received compensation or reimbursement for services, advice or assistance as a legislator. No, I have not appeared for, represented or advocated on behalf of another individual before the Legislature. And, no, I have not accepted or engaged in employment that could impair my judgment. And my immediate family does not stand to derive a personal private gain or loss from employment. Having answered these questions, I feel it is clear that I technically do not need to recuse myself from this vote. Technically.

That being said, we are all cautioned that we should consider recusing ourselves from votes that may give the appearance of a conflict of interest because it is important to safeguard the integrity of this body. Unlike states with full-time legislatures, Maine has a part-time citizen legislature, which means that many of us work part of the year here and we also hold jobs outside this chamber. With our varied backgrounds, it is true that we bring valuable experience and knowledge to the committee process. But as such, the likelihood that members of Maine's

part-time legislature will encounter potential conflicts of interest is naturally greater than states that have full-time legislatures.

Conflict of interest laws exist for a reason, and they are important to maintain the public's confidence in our legislative process. These laws are not to be taken lightly. Thus, when members of this body, including the good Representative from Newport and the good Representative from Skowhegan queried me on my personal connection to this bill, I was dismayed to realize that others may also have similar concerns about my involvement.

In my research on this issue, I came upon a 2003 Advisory Opinion by the Ethics Commission involving a potential conflict involving a legislator. The opinion on that case concluded that there was no basis for recusing that vote, however, the final analysis offered the legislator in question this advice, and I quote, "...the legislator may wish to recuse himself...to avoid the appearance of a conflict of interest." House Rule 401 Section 12 states that "A member who is in the House when a question is put shall vote, unless the presiding officer for reasons excuses that member." In other words, all present must vote unless they are excused with cause by the Speaker of the House. With these facts in mind, Mr. Speaker, I am compelled to respectfully ask your permission to recuse myself from this vote, in which I have invested much time and energy, so as to avoid even the appearance of a conflict of interest. Mr. Speaker, I shall await your decision. Thank you.

The same Representative asked leave of the House to be excused from voting on L.D. 1230 pursuant to House Rule 401.12.

The Chair granted the request.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, I will, as a preface, I will say that this, the first issues of this roll call, I voted against the Representative from Scarborough, Representative Sirocki, but I will say that I appreciate strongly her work on this bill. I think her perspective as a dental hygienist is exactly what the founders intended when they instituted a citizen legislature and that's exactly what previous legislatures have intended, when they have had such a high bar of unique and distinct for a conflict of interest. So I thank her for her work, and one person's opinion, there was no question that she does not have a conflict and has done herself and this body a great service through her work on this bill. Thank you, Mr. Speaker.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Strengthen Disclosure about Provider Networks in Health Insurance Plans to Consumers and Providers
(H.P. 1199) (L.D. 1676)
(C. "A" H-718)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative FREDETTE of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from York, Representative McGowan.

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just quickly want to remind a number of my colleagues who I've spoken with, this bill is pretty simple. One, it gives consumers the knowledge they need to get health care where it's paid for, and, two, is it gives hospital access to any reason that they would be excluded from an insurance network. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 588

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Crafts, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gilbert, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Peoples, Peterson, Plante, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Weaver, Welsh, Werts, Wood, Mr. Speaker.

NAY - Ayotte, Campbell R, Clark, Cotta, Cray, Davis, Doak, Duprey, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Johnson P, Kinney, Lockman, Long, MacDonald S, Marean, McClellan, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Sanderson, Sirocki, Volk, Wallace, Willette, Winsor.

ABSENT - Bennett, Boland, Crockett, Dion, Gideon, Goode, Herbig, Jackson, Johnson D, McLean, Nadeau C, Noon, Powers, Pringle, Wilson, Winchenbach.

Yes, 102; No, 33; Absent, 16; Excused, 0.

102 having voted in the affirmative and 33 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Resolve, To Require New Contracts for MaineCare Nonemergency Transportation

(S.P. 658) (L.D. 1663)
(C. "A" S-441)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **FINAL PASSAGE**.

Subsequently, on motion of Representative FARNSWORTH of Portland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-441)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-754)** to **Committee Amendment "A" (S-441)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Farnsworth.

Representative **FARNSWORTH**: Thank you, Mr. Speaker. This amendment basically strips the emergency clause and allows us to go forward with this particular bill.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-754)** to **Committee Amendment "A" (S-441)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I will be voting against this bill again for the same reason that I voted against the bill previously which is I don't think that as a legislative branch we should be making decisions about contracts that the executive branch has executed, and I think this is an overstepping. I voted against it last time. I'm going to do it again. I didn't say why before. I'm saying why now. It's not that I support the company. I don't have enough information to make that decision, but I don't think that this is appropriate in terms of legislative authority. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-754) to Committee Amendment "A" (S-441). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 589

YEA - Beaudoin, Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Hamann, Harlow, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Peoples, Peterson, Plante, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Campbell R, Chase, Clark, Cooper, Cotta, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Winsor, Wood.

ABSENT - Bennett, Boland, Crockett, Goode, Herbig, Jackson, Johnson D, McLean, Nadeau C, Noon, Powers, Pringle, Wilson, Winchenbach.

Yes, 82; No, 55; Absent, 14; Excused, 0.

82 having voted in the affirmative and 55 voted in the negative, with 14 being absent, and accordingly **House Amendment "A" (H-754)** to **Committee Amendment "A" (S-441)** was **ADOPTED**.

Subsequently, **Committee Amendment "A" (S-441)** as **Amended by House Amendment "A" (H-754)** thereto was **ADOPTED**.

Subsequently, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-441) as Amended by House Amendment "A" (H-754)** thereto in **NON-CONCURRENCE** and sent for concurrence.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Resolve, Establishing the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast (EMERGENCY)

(H.P. 1174) (L.D. 1602)
(C. "A" H-725)

TABLED - March 26, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - FINAL PASSAGE.

Representative KUMIEGA of Deer Isle **REQUESTED** a roll call on **FINAL PASSAGE.**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 590

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Doak, Dorney, Dunphy, Duprey, Esping, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Bennett, Boland, Crockett, Dion, Goode, Herbig, Jackson, Johnson D, Malaby, McLean, Nadeau C, Noon, Powers, Pringle, Wilson, Winchenbach.

Yes, 135; No, 0; Absent, 16; Excused, 0.

135 having voted in the affirmative and 0 voted in the negative, with 16 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-460)** on Bill "An Act To Improve the Availability of Coupons in the State"

(S.P. 253) (L.D. 704)

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
RUSSELL of Portland
SAUCIER of Presque Isle
SCHNECK of Bangor
TURNER of Burlington

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

PATRICK of Oxford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-460).**

READ.

On motion of Representative LUCHINI of Ellsworth, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-460)** was **READ** by the Clerk and **ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-460)** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

On motion of Representative DION of Portland, the House adjourned at 11:35 a.m., until 9:00 a.m., Friday, March 28, 2014 in honor and lasting tribute to the Firefighters who perished in Boston on March 26, 2014.